IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1015 OF 2005

Anil Kumar Yadav ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.A.G. Lalla, for the Applicant.

Mr.V.B.Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

23rd February 2005

P.C.:

. Heard Counsel for the parties. The Applicant has been arrested in connection with offence under N.D.P.S.Act and was found in possession of 940 grams of opium, which is far less than the commercial quantity. The main reason that weighed with the Court below in rejecting the application for bail preferred by

the Applicant is that there was discrepancy in the name of the father of the Applicant in the driving licence, which created doubt and the possibility of the Applicant not becoming available for the trial. Insofar as this aspect is concerned, by imposing strict conditions on the Applicant, it can be ensured that the Applicant becomes available for trial. Learned A.P.P. on instructions submits that if strict conditions are to be imposed, and as there are no antecedents and the trial is likely to take some time, and having regard to the nature of offence, the Applicant can be released by imposing strict conditions on the following terms.

(A) The Applicant is directed to be released on bail in connection with CR.No. 111/2004 registered with Anti-Narcotic Cell, Mumbai, on executing personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with two local sureties in the like amount. The condition of furnishing local surety will have to be insisted in this case.

(B) The Applicant shall not leave the jurisdiction of the concerned Police Station without prior intimation to the investigating officer and the trial Court.

(C) The Applicant shall regularly report to the concerned Police Station once in a week on Saturday between 10 a.m. to 2 p.m.

(D) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(E) The Applicant shall extend necessary co-operation for early disposal of the trial. If the trial Court is of the opinion that the Applicant is in any way responsible for the delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.